



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

March 12, 2018

Brendan Mills, Operation Manager
Anthony Vineyards
P.O. Box 9578
Bakersfield, CA 93389

**RE: ANTHONY VINEYARDS WATER SYSTEM (WATER SYSTEM NO. 1503576)
CITATION FOR USING WELL 02 (PS CODE 1503576-005) WITHOUT A PERMIT**

Dear Mr. Mills,

Enclosed is Citation No. 03_19_18C_015 that the State Water Resources Control Board, Division of Drinking Water (hereinafter State Board) is issuing to the Anthony Vineyards Water System Water System (hereinafter Water System) for a violation of the California Safe Drinking Water Act. The Water System has been using Well 02 (PS Code: 1503576-005) without obtaining a valid permit from the State Board. As discussed in the citation, the Water System shall submit a complete permit amendment application for Well 02 and obtain written approval from the State Board to continue using the well for domestic supply.

Please note that on or before March 19, 2018, the Water System is required to submit a written response to the State Board indicating its agreement to comply with the directives of the citation. By March 29, 2018, the Water System is required to submit a complete permit amendment application for Well 02 and its associated chlorination treatment. The Water System is also required to notify the persons, served by the Water System, of the violation, and actions being taken, to achieve compliance and submit a completed Certification of Public Notification form to the State Board. **Until the State Board issues a written approval to use Well 02, the Water System shall keep the well offline and not use the well for domestic supply.** Failure to comply with deadlines and directives specified in the citation will result in further enforcement action by the State Board.

Any person who is aggrieved by a citation, order or decision issued by the Deputy Director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code, Section 116625) or Article 9 (commencing with Health and Safety Code, Section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Water Board for reconsideration of the citation, order or decision. The enclosed citation contains the relevant statutory provisions for filing a petition for reconsideration (Health and Safety Code, Section 116701).

Petitions must be received by the State Board within 30 days of the issuance of the citation, order or decision by the Deputy Director. The date of issuance is the date when the Division of

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

4925 Commerce Drive, Suite 120, Bakersfield, CA 93309 | www.waterboards.ca.gov

Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact me at (661) 335-7318.

Sincerely,



Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer, Tehachapi District
State Water Resources Control Board
DIVISION OF DRINKING WATER

Enclosure: Citation No. 03_19_18C_015

CC: Kern County Dept. of Public Health, Environmental Health Division (w/out enclosure)
Paul Loeffel, Chief Financial Officer, Anthony Vineyards (via email)
Scott Moore, Contract Sampler, Seaco Technologies, Inc. (via email)

JSD/jsd

**STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER**

IN RE: ANTHONY VINEYARDS WATER SYSTEM
Water System No.: 1503576

TO: Mr. Brandon Mills, Operations Manager
Anthony Vineyards
P.O. Box 9578
Bakersfield, CA 93389

**CITATION FOR VIOLATION OF
CALIFORNIA HEALTH AND SAFETY CODE SECTION 116550(a) CHANGES REQUIRING
AMENDED PERMIT; AND CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION
64556(a) (3)(A) PERMIT AMENDMENTS**

**December 13, 2017 to March 8, 2018
Issued on March 12, 2018**

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board (hereinafter "State Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the Anthony Vineyards Water System (hereinafter "Water System") located south of Bakersfield, Kern County, CA for violation of California Health and Safety Code Section 116550(a) and California Code of Regulations (CCR), Title 22, Section 64556(a)(3)(A).

APPLICABLE AUTHORITIES

The applicable statutes and regulations are provided in **Attachment 1**, attached hereto and incorporated by reference.

STATEMENT OF FACTS

The Water System is a transient-noncommunity water system serving a population of approximately 60 persons through eight (8) service connections. The Water System currently operates under an interim approval letter, which includes Well No. 01 (PS Code 1503576-001) as the approved source of supply for domestic water. The State Board is in the process of preparing a new domestic water supply permit for the Water System

The Water System is permitted to use Well No. 1 as the only approved source of supply. The Water System shall not add or change the source of supply as authorized by a valid permit unless the State Board approves the use of the source in written form. On March 2, 2018, the State Board's staff conducted an inspection of the Water System and learned that the Water System was using an unapproved source (Well 02) for domestic supply. Per further discussions with the Water System, Well 02 was drilled in May 2017, and has been used for domestic supply since December 13, 2017 without any permit approval. Up until March 2, 2018, the State Board was not aware of drilling and usage of the new well. On March 8, 2018, the State Board held a phone discussion with Mr. Brandon Mills about using Well 02 without a permit approval from the State Board and directed him to remove the well from service until the Water System obtains written approval from the State Board to use the well. This was reiterated in another phone conversation with Mr. Mills, on March 12, 2018.

Public notification to the consumers of the Water System is required to notify them of the violation. **Attachment 2** is a copy of a public notice that the Water System may use to notify its

1 customers/consumers. This notice fulfills the Tier 2 notification requirements and includes the
2 mandatory language. Proof of notification is required.

3
4 **DETERMINATION**

5 The State Board has determined that the Water System failed to comply with CHSC, Section
6 116550(a), which specifies no person operating a public water system shall modify, add to or
7 change his or her source of supply or method of treatment of, or change his or her distribution
8 system as authorized by a valid existing permit issued to him or her by the State Board unless
9 the person first submits an application to the State Board and receives an amended permit. The
10 Water System failed to submit an application for an amendment to the water supply permit prior
11 to use of the unapproved source (Well 02).

12
13 The Water System also failed to comply with CCR, Title 22, Section 64560(a), which requires
14 the submittal of the following items, for a proposed well, as part of the permit amendment
15 application:

- 16 (1) A source water assessment for the proposed well;
- 17 (2) Documentation demonstrating that a well site control zone with a 50-foot radius around
18 the site can be established for protecting the source from vandalism, tampering, or other
19 threats at the site by water system ownership, easement, zoning, lease, or an alternative
20 approach approved by the State Board based on its potential effectiveness in providing
21 protection of the source from contamination;
- 22 (3) Design plans and specifications for the well; and
- 23 (4) Documentation required for compliance with the California Environmental Quality Act
24 (CEQA)
- 25
26
27

Further, the Water System failed to comply with CCR, Title 22, Section 64560(b), which requires the submittal of the following additional items, after obtaining approval of the State Board of the initial permit amendment application and after constructing the well:

- (1) A copy of the well construction permit if required by the county or local agency;
- (2) Department of Water Resources well completion report;
- (3) A copy of any pump tests required by the State Board;
- (4) Results of all required water quality analyses; and
- (5) As-built plans.

Well No. 1 is the only permitted active source for the Water System. The State Board must permit all other sources before they can be used in the Water System. Per phone call, received on March 12, 2018, from Mr. Mills, Well 02 was placed in service on December 13, 2017, without first obtaining approval from the State Board. During various discussions with Mr. Brandon Mills, the State Board directed the Water System to remove Well 02 from service until after obtaining approval from the State Board to use the well.

PUBLIC NOTIFICATION REQUIREMENTS

This violation of using an unapproved requires public notification. Since the Water System failed to submit a permit amendment application for Well No. 2 and has been using the well for domestic supply for almost three (3) months without approval of the State Board, public notification must be conducted because there is no basis to determine whether the source water met the applicable bacteriological and chemical standards. Public notification can be accomplished by using one of the following methods using the attached template (**Attachment 2**). Please read this attachment and complete as needed:

- Hand deliver
- Post in the facilities and buildings served by the Water System that all customers have access, to read the notice.

1
2 Proof of notification is required. Please use **Attachment 3** to provide this information and submit
3 to the State Board by March 29, 2018.

4
5 **DIRECTIVES**

6 The Water System is hereby directed to take the following actions:

- 7
- 8 1. The Water System shall remove Well 02 from service and discontinue its use until written
9 approval is granted by the State Board to use this well for domestic supply.
 - 10
 - 11 2. By **March 19, 2018**, the Water System shall submit a written response to the Division
12 acknowledging that it has received this citation and will comply with all of the directives listed
13 herein. The Water System shall complete **Attachment 4**, and submit a completed and
14 signed copy to the State Board, to comply with this directive.
 - 15
 - 16 3. By **March 29, 2018**, the Water System shall submit an incident report outlining the events
17 surrounding the use of the unpermitted water source and a plan for ensuring unpermitted
18 water sources are not used as active sources of supply in the domestic water supply
19 system.
 - 20
 - 21 4. By **March 29, 2018**, the Water System shall submit a complete permit amendment
22 application for Well 02, along with necessary enclosures: a copy of well construction permit
23 issued by Kern County, a copy of the pump test, Department of Water Resources well
24 completion report, copies of the well design plans and specifications, a plot plan, copies of
25 all water quality samples collected from the well, as-built plans, a completed well data sheet,
26
27

1 chlorination data sheet, drinking water source assessment document, and documentation
2 for compliance with the California Environmental Quality Act (CEQA).

- 3
- 4 5. By **March 29, 2018**, the Water System must provide Tier 2 public notice as required by
5 CCR, Title 22, Section 64463.4. Notification procedures and format are provided in
6 **Attachment 2**. Proof of notification shall be provided to the Division by April 9, 2018, using
7 the form provided in **Attachment 3**.

8

9 The State Board reserves the right to make such modifications to the Citation as it may deem
10 necessary to protect public health and safety. Such modifications may be issued as
11 amendments to this Citation and shall be effective upon issuance.

12

13 Nothing in this Citation relieves the Water System of its obligation to meet the requirements of
14 the California Safe Drinking Water Act or any regulation, standard, permit or order issued
15 thereunder.

16

17 All submittal required by this Citation shall be submitted to the State Board at the following
18 address:

19
20 Jaswinder S. Dhaliwal, P.E.
21 Senior Sanitary Engineer
22 State Water Resources Control Board
23 Division of Drinking Water
24 4925 Commerce Drive, Suite 120
25 Bakersfield, CA 93309

26 **PARTIES BOUND**

27 This Citation shall apply to and be binding upon the Anthony Vineyards Water System, its
officers, directors, agents, employees, contractors, successors, and assignees.

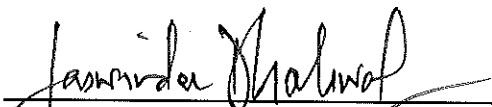
SEVERABILITY

The Directives of this Citation are severable, and the Anthony Vineyards Water System shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Board to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Board to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the State Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Board. The State Board does not waive any further enforcement action by issuance of this citation.

March 12, 2018
Date


Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer, Merced District
DRINKING WATER FIELD OPERATIONS BRANCH

Certified Mail No.: 7012 1010 0001 3880 1614

Attachments:

Attachment 1: Applicable Authorities
Attachment 2: Public Notice
Attachment 3: Proof of Notification Form
Attachment 4: Certification of Receipt of Citation

CC: Kern County Dept. of Public Health, Env. Health Division (w/out attachments)
Paul Loeffel, Chief Financial Officer, Anthony Vineyards (via email)
Scott Moore, Seaco Technologies, Inc., Contract Sampler (via email)

JSD/jsd

ATTACHMENT 1. APPLICABLE STATUTES AND REGULATIONS FOR
Citation No. 03_19_18C_015
Using Well 02 (PS Code 1503576-005) Without a Permit

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271 states in relevant part:

(a) The state board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The state board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the state board shall refer to the state board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k)

(1) The state board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.

(2) The deputy director is delegated the state board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken by the state board, but are not subject to reconsideration by the state board except as provided in Section 116540. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the state board, but any aggrieved person may petition the state board for reconsideration of the decision or action. This subdivision is not a limitation on the state board's authority to delegate any other powers and duties.

Section 116525 states in relevant part:

(a) No person shall operate a public water system unless he or she first submits an application to the department and receives a permit as provided in this chapter. A change in ownership of a public water system shall require the submission of a new application.

(b) The department may require a new application whenever a change in regulatory jurisdiction has occurred.

(c) The department may renew, reissue, revise, or amend any domestic water supply permit whenever the department deems it to be necessary for the protection of public health whether or not an application has been filed.

Section 116550 states in relevant part:

(a) No person operating a public water system shall modify, add to or change his or her source of supply or method of treatment of, or change his or her distribution system as authorized by a valid existing permit issued to him or her by the department unless the person first submits an application to the department and receives an amended permit as provided in this chapter authorizing the modification, addition, or change in his or her source of supply or method of treatment.

(b) Unless otherwise directed by the department, changes in distribution systems may be made without the submission of a permit application if the changes comply in all particulars with the waterworks standards.

Section 116555 states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
- (1) Complies with primary and secondary drinking water standards.
 - (2) Will not be subject to backflow under normal operating conditions.
 - (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116577. Enforcement fee states:

(a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
- (2) Preparing and issuing public notification.
- (3) Conducting a hearing pursuant to Section 116625.

(b) The state board shall submit an invoice for these enforcement costs to the public water system that requires payment before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.

(c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by a public water system under the jurisdiction of the local primacy agency, a public water system shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.

(d) "Enforcement costs," as used in this section, does not include "litigation costs" pursuant to Section 116585.

(e) The state board shall not be entitled to enforcement costs pursuant to this section if a court determines that enforcement activities were in error.

(f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.

(g) The state board may, at its sole discretion, waive payment by a public water system of all or any part of the invoice or penalty.

Section 116625 (Revocation and suspension of permits) states:

(a) The state board, after providing notice to the permittee and opportunity for a hearing, may suspend or revoke any permit issued pursuant to this chapter if the state board determines pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permittee does not request a hearing within the period specified in the notice, the state board may suspend or revoke the permit without a hearing. If the permittee submits a timely request for a hearing, the hearing shall be before the state board or a member of the state board, in accordance with Section 183 of the Water Code and the rules for adjudicative proceedings adopted under Section 185 of the Water Code. If the permit at issue has been temporarily suspended pursuant to subdivision (b), the notice shall be provided within 15 days of the effective date of the temporary suspension order. The commencement of the hearing under this subdivision shall be as soon as practicable, but no later than 60 days after the effective date of the temporary suspension order, unless the state board grants an extension of the 60 day period upon request of the permittee.

(b) The state board may temporarily suspend any permit issued pursuant to this chapter before any hearing when the action is necessary to prevent an imminent or substantial danger to health. The state board shall notify the permittee of the temporary suspension and the effective date of the temporary suspension and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension unless the state board grants an extension of the 15 day period upon request of the permittee, and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing under subdivision (a). The hearing shall be conducted under the rules for adjudicative proceedings adopted by the state board under Section 185 of the Water Code. The temporary suspension shall remain in effect until the hearing under this subdivision is completed and the state board has made a final determination on the temporary suspension, which shall be made within 15 days after the completion of the hearing unless the state board grants an extension of the 15 day period upon request of the permittee. If the determination is

not transmitted within 15 days after the hearing is completed, or any extension of this period requested by the permittee, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the state board of jurisdiction to proceed with a hearing on the merits under subdivision (a).

Section 116650 states in relevant part:

(a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

Section 116701 (Petitions to Orders and Decisions) states:

(a)

(1) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration.

(2) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Section 116540, the applicant may petition the state board for reconsideration.

(3) Within 30 days of final action by an officer or employee of the state board acting under delegated authority, the owner of a laboratory that was the subject of the final action may petition the state board for reconsideration of any of the following actions:

(A) Denial of an application for certification or accreditation under Section 100855.

(B) Issuance of an order directing compliance under Section 100875.

(C) Issuance of a citation under Section 100880.

(D) Assessment of a penalty under subdivision (e) of Section 100880.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the officer or employee who issued the order or decision and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision subject to the petition for reconsideration.

(f) If an order or decision is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 100920.5 or 116700.

California Code of Regulations, Title 22 (CCR):

Section 64560 (New Well Siting, Construction, and Permit Application) states:

(a) To receive a new or amended domestic water supply permit for a proposed well, the water system shall provide the following information to the State Board in the technical report as part of its permit application:

(1) A source water assessment as defined in Section 63000.84 for the proposed site;

(2) Documentation demonstrating that a well site control zone with a 50-foot radius around the site can be established for protecting the source from vandalism, tampering, or other threats at the site by water system ownership, easement, zoning, lease, or an alternative approach approved by the State Board based on its potential effectiveness in providing protection of the source from contamination;

(3) Design plans and specifications for the well; and

(4) Documentation required for compliance with the California Environmental Quality Act (CEQA).

(b) After the State Board has provided written or oral approval of the initial permit amendment application and the water system has constructed the well, the water system shall submit the following additional materials for its permit application:

- (1) A copy of the well construction permit if required by the county or local agency;
- (2) Department of Water Resources well completion report;
- (3) A copy of any pump tests required by the State Board;
- (4) Results of all required water quality analyses; and
- (5) As-built plans.

(c) Each new public water supply well shall:

- (1) As a minimum, be constructed in accordance with the community water system well requirements in California Department of Water Resources Bulletins 74-81 and 74-90, which are hereby incorporated by reference;
- (2) Be constructed in accordance with American Water Works Association (AWWA) Standard A100-06 (Water Wells), which is hereby incorporated by reference;
- (3) Be installed such that:
 - (A) All equipment is accessible for operation, maintenance, and removal;
 - (B) Protection is provided against flooding;
 - (C) The wellhead terminates a minimum of 18 inches above the finished grade;
 - (D) Wellhead and electrical controls are not installed in vaults;
 - (E) The well is equipped with:
 1. Fittings and electrical connections to enable chlorination facilities to be readily installed;
 2. A non-threaded down-turned sampling tap located on the discharge line between the wellhead and the check valve. Sampling taps used for obtaining samples for bacteriological analysis shall not have a screen, aerator, or other such appurtenance;
- (F) Provisions are made to allow the well to be pumped to waste with a waste discharge line that is protected against backflow.

Section 64561 (Source Flow Meters) states:

Each water system shall:

- (a) Except for inactive sources, install a flow meter at a location between each water source and the entry point to the distribution system;
- (b) Meter the quantity of water flow from each source, and record the total monthly production each month.

Section 64583 (Disinfection of Wells) states:

A new or repaired well, or a well that has not been in operation for more than three months shall be sampled for bacteriological quality prior to use. If the results of the bacteriological sampling are positive for coliform bacteria, the well shall be disinfected in accordance with the American Water Works Association C654-03, which is hereby incorporated by reference, and resampled for bacteriological quality and the test results shall be submitted to the State Board for review and approval before the well is placed into service.

Section 64463 (General Public Notification Requirements) states:

- (a) Each public (community, nontransient-noncommunity and transient-noncommunity) water system shall give public notice to persons served by the water system pursuant to this article.
- (b) Each water system required to give public notice shall submit the notice to the State Board, in English, for approval prior to distribution or posting, unless otherwise directed by the State Board.
- (c) Each wholesaler shall give public notice to the owner or operator of each of its retailer systems. A retailer is responsible for providing public notice to the persons it serves. If the retailer arranges for the wholesaler to provide the notification, the retailer shall notify the State Board prior to the notice being given.
- (d) Each water system that has a violation of any of the regulatory requirements specified in section 64463.1(a), 64463.4(a), or 64463.7(a) in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system may limit distribution of the notice to only persons served by that portion of the system that is out of compliance, if the State Board has granted written approval on the basis of a review of the water system and the data leading to the violation or occurrence for which notice is being given.
- (e) Each water system shall give new customers public notice of any acute violation as specified in section 64463.1(a) that occurred within the previous thirty days, any continuing violation, the existence of a variance or exemption, and/or any other ongoing occurrence that the State Board has determined poses a potential risk of adverse effects on human health [based on a review of estimated exposures and toxicological data associated with the contaminant(s)] and requires a public notice. Notice to new customers shall be given as follows:
 - (1) Community water systems shall give a copy of the most recent public notice prior to or at the time service begins; and

(2) Noncommunity water systems shall post the most recent public notice in conspicuous locations for as long as the violation, variance, exemption, or other occurrence continues.

Section 64463.4 (Tier 2 Public Notice) states:

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

- (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
 - (A) Where a Tier 1 public notice is required under section 64463.1; or
 - (B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
- (2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;
- (3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or
- (4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

- (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
- (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and
- (3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

- (1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by:
 - (A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and
 - (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
 1. Publication in a local newspaper;
 2. Posting in conspicuous public places served by the water system, or on the Internet; or
 3. Delivery to community organizations.
- (2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:
 - (A) Posting in conspicuous locations throughout the area served by the water system; and
 - (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
 1. Publication in a local newspaper or newsletter distributed to customers;
 2. E-mail message to employees or students;
 3. Posting on the Internet or intranet; or
 4. Direct delivery to each customer.

Section 64463.7 (Tier 3 Public Notice) states:

(a) Each water system shall give public notice pursuant to this section if any of the following occurs:

- (1) Monitoring violations;

- (2) Failure to comply with a testing procedure, except where a Tier 1 public notice is required pursuant to section 64463.1 or the State Board determines that a Tier 2 public notice is required pursuant to section 64463.4; or
- (3) Operation under a variance or exemption.

(b) Each water system shall give the public notice within one year after it learns of the violation or begins operating under a variance or exemption.

- (1) The water system shall repeat the public notice annually for as long as the violation, variance, exemption, or other occurrence continues.
- (2) Posted public notices shall remain in place for as long as the violation, variance, exemption, or other occurrence continues, but in no case less than seven days.
- (3) Instead of individual Tier 3 public notices, a water system may use an annual report detailing all violations and occurrences for the previous twelve months, as long as the water system meets the frequency requirements specified in this subsection.

(c) Each water system shall deliver the notice in a manner designed to reach persons served within the required time period, as follows:

(1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.

(2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a posting:

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

(d) Community and nontransient-noncommunity water systems may use the Consumer Confidence Report pursuant to sections 64480 through 64483, to meet the initial and repeat Tier 3 public notice requirements in subsection 64463.7(b), as long as the Report meets the following:

- (1) Is given no later than one year after the water system learns of the violation or occurrence;
- (2) Includes the content specified in section 64465; and
- (3) Is distributed pursuant to paragraph (b)(1) and (2) or subsection (c).

Section 64465 (Public Notice Content and Format) states in relevant part:

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:

- (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
- (2) The date(s) of the violation or occurrence;
- (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
- (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
- (5) Whether alternative water supplies should be used;
- (6) What actions consumers should take, including when they should seek medical help, if known;
- (7) What the water system is doing to correct the violation or occurrence;
- (8) When the water system expects to return to compliance or resolve the occurrence;
- (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
- (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: —Please share this information with all the other people who drink this water, especially those who may not have received this public notice

directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail; and (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period dates], we ['did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)], and therefore, cannot be sure of the quality of your drinking water during that time." ...

(c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:

(2) For a Tier 2 or Tier 3 public notice:

(A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and

(B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:

1. Information in the appropriate language(s) regarding the importance of the notice; or
2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and

(3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.

(d) Each public notice given pursuant to this article shall:

- (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
- (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
- (3) Not contain language that minimizes or contradicts the information being given in the public notice.

Section 64469 (Reporting Requirements) states in relevant part:

(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.

Section 64481 (Content of the Consumer Confidence Report) states in relevant part:

(g) For the year covered by the report, the Consumer Confidence Report shall note any violations of paragraphs (1) through (7) and give related information, including any potential adverse health effects, and the steps the system has taken to correct the violation.

- (1) Monitoring and reporting of compliance data.

ATTACHMENT 4 – NOTIFICATION OF RECEIPT

Citation Number: 03_19_18C_015

Name of Water System: Anthony Vineyards Water System

System Number: 1503576

Certification

I certify that I am an authorized representative of the Anthony Vineyards Water System and that Citation No. 03_19_18C_015 was received on _____. Further I certify that the Citation has been reviewed by the appropriate management staff of the Anthony Vineyards and it is clearly understood that Citation No. 03_19_18C_015 contains legally enforceable directives with specific due dates.

Signature of Water System Representative

Date

<p>THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN MARCH 19, 2018</p>

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

ATTACHMENT 2

Public Notification Template

Instructions for Tier 2 Notice Template

Template Attached

Considering that this is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting in conspicuous public places served by the water system or on the Internet ^(b)
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the Internet or intranet ^(b)
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with monitoring and reporting violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We are working with [local/state agency] to correct the problem. [provide details of the actions taken]."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

Anthony Vineyards Used an Unapproved Source For Drinking Water

Our water system recently violated our permitting requirements by using an unapproved source (Well No. 02). **Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.**

What should I do?

- You do not need to use an alternative water supply (e.g., bottled water).
- This is not an emergency. If it had been, you would have been notified immediately.
What happened? What is being done?

What happened? What is being done?

Anthony Vineyards drilled Well No. 2 in May 2017, and has been using this well for domestic supply since December 13, 2017, without the approval of the State Water Resources Control Board (State Board), Division of Drinking Water. The State Board became aware of Well No. 2 and its use on March 2, 2018, during a site inspection. We are working with the State Board to obtain a permit for Well No. 2 and have tested the water from the well to ensure that it complies with the applicable standards.

For more information, please contact Brandon Mills, Operations Manager, Anthony Vineyards at (661) 858-6166 or State Water Resources Control Board at (661) 335-7315.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- Residential Rental Property Owners: Must notify tenants (Customers).
- Business Property Owners: Must notify employees of businesses located on the property.

This notice is being sent to you by Anthony Vineyards Water System.

State Water System ID#: 1503576. Date distributed: _____

ATTACHMENT 3

Certification of Completion of Public Notification

Certification of Completion of Public Notification
(Include a Copy of Public Notice with the Certification of Public Notification)

This form, when completed and returned to the Division of Drinking Water – Tehachapi District (4925 Commerce Drive, Suite 120, Bakersfield, CA 93309 or fax to 661-335-7316 or email dwpdist19@waterboards.ca.gov), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public Water System Name: Anthony Vineyards Water System

Public Water System No.: 1503576

Public notification for **failure to submit a permit amendment application for Well 02 and using the well without permit approval** was performed by the following method(s) (check and complete those that apply):

- ☐ The notice was mailed to users on: _____
A copy of the notice is attached.
- ☐ The notice was hand delivered to water customers on: _____
A copy of the notice is attached.
- ☐ The notice was published in the local newspaper on: _____
A copy of the newspaper notice is attached.
- ☐ The notice was posted at conspicuous places on: _____
A copy of the notice is attached.
A list of locations the notice was posted is attached.
- ☐ The notice was delivered to community organizations on: _____
A copy of the notice is attached.
A list of community organizations the notice was delivered to is attached.

I hereby certify that the above information is factual.

Printed Name

Title

Signature

Date

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation each day that the violation continues. In addition, the violators may be prosecuted in criminal court and, upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Division of Drinking Water within 10 days of issuance of notice to customers and no later than March 29, 2018.

Enforcement Action No. 03-19-18C-015